



CITY OF MORGAN HILL

CITY COUNCIL

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Hedy L. Chang, Mayor Pro Tempore
Cynthia J. Cook, Council Member
Steve Tate, Council Member
Greg Sellers, Council Member

WEDNESDAY JULY 7, 1999

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

*A Special Meeting is called for Wednesday, July 7, 1999
at 6:00 P.M. for the purpose of a Closed Session.*

~~Dennis Kennedy, Mayor~~_____

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/ Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/ Agency Secretary Torrez)

OPPORTUNITY FOR PUBLIC COMMENT

CITY COUNCIL CLOSED SESSION:

1) Conference With Labor Negotiators:

Agency Designated Representatives:

David Jinkens, Melissa S. Dile, William Avery, Helene L. Leichter,
Steve Schwab, Jim Ashcraft, Daphne Hodgson

Employee Organizations:

Morgan Hill Police Officers Association
Morgan Hill Community Services Officers Association
American Federation of State, County and Municipal Employees
(AFSCME) (Local 101)
Management/Professional/Confidential Employees
Government Code 54957.6(a)

Legal Authority:

2) Conference with Legal Counsel - Existing Litigation

Legal Authority:

Government Code Section 54956.9(a)

Title of Case:

Cochrane Road Assessment District [Ruge Family Partnership] v. City
of Morgan Hill, et al.

Case Number:

Santa Clara County Superior Court #474873.

Parties:

Cochrane Road Assessment District Property Owners Association,
William R. Ruge, Marion L. Ruge, Ruge Family Partnership, Citizens
for Orderly Responsible Development (as Intervenor).

Attorney:

Helene Leichter

CLOSED SESSION ANNOUNCEMENT

ADJOURN

7:00 PM

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

CERTIFICATES OF RECOGNITION

The Lighthouse
John Edwards

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

City Council action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #X through #XX may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 8699** 1
Recommended Action:
1) **Adopt** attached Resolution 5290 accepting the subdivision improvements for Tract 8699, commonly known as Native Dancer - Oak Creek Ph 2B; and
2) **Direct** the City Clerk to file a Notice of Completion with the County Recorder's office.

2. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR PARCEL MAP 704-M-42 & 43** 7
Recommended Action:
1) **Adopt** attached Resolution 5289 accepting the subdivision improvements in Parcel Map 704-M-42 & 43, commonly known as Lands of Custom One; and
2) **Direct** the City Clerk to file a Notice of Completion with the County Recorder's office.

3. **APPROVAL OF COOPERATIVE AGREEMENT WITH COUNTY OF SANTA CLARA TO RECEIVE MEASURE A & B FUNDS FOR PAVEMENT MAINTENANCE** 13
Recommended Action: **Approve** the attached agreement and **authorize** the City Manager to execute the agreement on behalf of the City.

4. **PUBLIC WORKS MAINTENANCE CONTRACTS FOR FY 1999-2000, 2000-2001** 21
Recommended Action: **Approve** funds for and **Award** the attached maintenance contracts for: 1) Potable Water Sampling & Analysis; 2) Lift/Storm Station Maintenance and Repair; 3) Well/Booster Station Pump Maintenance and Repair; 4) Well Maintenance and Repair; 5) Tree Pruning and Removal; 6) Fox Hollow/Murphy Springs Lightning and Landscape Maintenance; 7) Restriping of Traffic Lane Lines/Legends/School Crossings; 8) Telemetry System Maintenance/Upgrades/Repair; and 9) Generator Maintenance

Services/Repair.

5. **AWARD OF CONTRACT TO PROVIDE PLAN CHECKING SERVICES ON AN AS-NEEDED BASIS** 129
Recommended Action:
1) **Approve** the attached FY 99-00 contract with Harris & Associates to provide contract plan checking services on an as-needed basis at a not-to-exceed fee of \$95,000; and
2) **Authorize** the City Manager to execute the contracts.
6. **AWARD OF CONTRACT TO PROVIDE PUBLIC WORKS INSPECTIONS SERVICES ON AN AS-NEEDED BASIS** 139
Recommended Action:
1) **Approve** the attached FY 99-00 contract with Testing Engineers, Inc. (TEI) to provide public works inspection services on an as-needed basis at a not-to-exceed fee of \$95,000; and
2) **Authorize** the City Manager to execute the contract.
7. **JOINT POWERS AGREEMENT (JPA) BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MORGAN HILL FOR CONTINUANCE OF THE CDBG PROGRAM** 151
Recommended Action: Adopt Resolution 5292 authorizing the City Manager to enter into a Joint Powers Agreement to undertake or to assist in the undertaking of essential actions pursuant to Title I of the Housing and Community Development Act of 1974, as authorized for Fiscal Years 1999-2002.
8. **ASSEMBLY BILL 18 - URBAN PARKS, CLEAN WATER, AND COASTAL PROTECTION BOND ACT OF 2000** 167
Recommended Action: Authorize the Mayor to send a letter to the Governor and appropriate legislators in support of Assembly Bill 18 (AB 18) - Urban Parks, Clean Water, and Coastal Protection Bond Act of 2000.
9. **UPDATE ON CITY WATER CONSERVATION PROGRAMS** 169
Recommended Action: Information Only
10. **LAW ENFORCEMENT BLOCK GRANT SHARING AGREEMENT WITH THE COUNTY** 173
Recommended Action: Authorize the City Manager to send written concurrence with the Law Enforcement Block Grant Sharing Agreement to the County Executive.
11. **SET DATE OF SPECIAL ELECTION FOR 11/2/99 FOR ORDINANCE REFERENDUM** 179
Recommended Action:
1) **Adoption** of Resolution 5295 calling election
2) **Adoption** of Resolution 5296 requesting election services of County; and
3) **Adoption** of Resolution 5297 setting priorities for filing a written

argument regarding the measure and requesting preparation of Impartial Analysis.

12. **APPOINTMENT TO THE CALTRAIN POLICY ADVISORY BOARD** 195
Recommended Action: **Confirm** Mayor Kennedy's appointment of Council Member Sellers to the CalTrain Policy Advisory Board.
13. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1433, NEW SERIES** 197
An Ordinance of the City Council of the City of Morgan Hill amending Chapter 10.40 of the Municipal Code regarding parking.
14. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1435, NEW SERIES** 201
An Ordinance of the City Council of the City of Morgan Hill amending Chapter 12.08 of the Municipal Code, regarding sport accessory structures in the public right-of-way.
15. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1438, NEW SERIES** 205
An Ordinance of the City Council of the City of Morgan Hill amending the standards and criteria and procedures of the Residential Development Control System as set forth in Chapter 18.79 of the Morgan Hill Municipal Code, amending Sections 18.78.240 B.e. and B.g. relating to "contingency commitments."
16. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1439, NEW SERIES** 223
An Ordinance of the City Council of the City of Morgan Hill amending Section 12.16 and Section 12.20 of the Ordinance Code of the City of Morgan Hill.
17. **APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 18, 1999** 235

PUBLIC HEARINGS:

18. **PUBLIC HEARING AND ADOPTION OF THE RESOLUTIONS CONFIRMING THE FISCAL YEAR 1999/2000 ANNUAL ASSESSMENT FOR THE FOX HOLLOW/MURPHY SPRINGS ASSESSMENT DISTRICT** 237
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action- **Motion to adopt** Resolution 5287 and Resolution 5288 confirming the FY 99/00 annual assessment for the

Fox Hollow/Murphy Springs Assessment District and
its Annexations as required by Government code
Section 22629.

19. **GPA-99-01 & ZA-99-04: CIOLINO-SOUTH COUNTY HOUSING** 341

Recommended Action: Request staff presentation.

Public Hearing opened.

Please limit your remarks to 3 minutes. Public Hearing closed.

Council discussion.

Action- **Motion to approve** mitigated negative declaration;

Action- **Motion to adopt** Resolution 5291 approving General
Plan Amendment;

Action- **Motion to introduce** Ordinances 1441 by title only;

Action- **Motion to waive** the reading in full of the zoning
amendment Ordinance 1441;

Action- **Motion to introduce** Ordinance 1441 by title only.

20. **APPLICATIONS SD-98-18: NINA LANE/DA-98-10/ZA-98-19: NINA
LANE - DOAN (APN 817-60-021)** 363

Recommended Action: Request staff presentation.

Public Hearing opened.

Please limit your remarks to 3 minutes. Public Hearing closed.

Council discussion.

Action- **Motion to approve** mitigated negative declaration;

Action- **Motion to adopt** Resolution 5293 approving
subdivision;

Action- **Motion to waive** the reading in full of the
development agreement (DA) Ordinance 1442;

Action- **Motion to introduce** Ordinance 1442 by title only;

Action- **Motion to waive** the reading in full of residential
planned development (RPD) Ordinance 1443;

Action- **Motion to introduce** Ordinance 1443 by title only.

OTHER BUSINESS:

21. **EMERGENCY EXPENDITURE FOR PUMPING FACILITY
CONSTRUCTION AT DIANA WELL #3** 407

Recommend Action:

1) **Adopt** attached Resolution 5294 declaring the need for this
emergency expenditure; and

2) **Approve** emergency expenditure of \$60,000 for installation of the
pumping facility for Diana Well #3.

SECOND READING OF ORDINANCES:

Full Reading Waived By Majority Vote.
(Government Code Section 36934)
Action - Adopt Ordinance 1430.

22.	<u>ADOPT ORDINANCE NO. 1434, NEW SERIES</u>	411
	An Ordinance of the City Council of the City of Morgan Hill adding Section 10.40.210 to the Municipal Code, regarding parking oversized vehicles on residential streets.	
23.	<u>ADOPT ORDINANCE NO. 1436, NEW SERIES</u>	415
	An Ordinance of the City Council of the City of Morgan Hill amending a development agreement to provide for an exception to loss of building allocation for application MP-98-02: Barrett-Hogg (APN 817-57-002).	
24.	<u>APPROVAL OF SPECIAL AND REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 16, 1999</u>	421

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken
on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

FUTURE COUNCIL AGENDA ITEMS:

1. Quantum Sports
2. Development Improvement Agreement for Peebles - Mayasaka
3. Contract for construction of Nordstrom Park
4. Budget Adoption